

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1228

By: Standridge

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5
6 AS INTRODUCED

7 An Act relating to medical marijuana; amending
8 Section 1, State Question No. 788, Initiative
9 Petition No. 412, as last amended by Section 2,
10 Chapter 312, O.S.L. 2019 (63 O.S. Supp. 2019, Section
11 420), which relates to medical marijuana patient
12 licenses; broadening eligibility for discounted
13 application fee; providing for expedited application
14 review; establishing fees; clarifying language; and
15 providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY Section 1, State Question No. 788,
18 Initiative Petition No. 412, as last amended by Section 2, Chapter
19 312, O.S.L. 2019 (63 O.S. Supp. 2019, Section 420), is amended to
20 read as follows:

21 Section 420. A. A person in possession of a state issued
22 medical marijuana license shall be able to:

- 23 1. Consume marijuana legally;
- 24 2. Legally possess up to three (3) ounces (84.9 grams) of
25 marijuana on ~~their~~ his or her person;
3. Legally possess six (6) mature marijuana plants;

1 4. Legally possess six (6) seedling plants;

2 5. Legally possess one (1) ounce (28.3 grams) of concentrated
3 marijuana;

4 6. Legally possess seventy-two (72) ounces (2037.6 grams) of
5 edible marijuana; and

6 7. Legally possess up to eight (8) ounces (226.4 grams) of
7 marijuana in ~~their~~ the licensee's residence.

8 B. Possession of up to one and one-half (1.5) ounces ~~of~~ (42.45
9 grams) of marijuana by ~~persons~~ a person who can state a medical
10 condition, but ~~are~~ is not in possession of a state issued medical
11 marijuana license, shall constitute a misdemeanor offense ~~with~~
12 punishable by a fine not to exceed Four Hundred Dollars (\$400.00).

13 C. A regulatory office shall be established under the State
14 Department of Health which shall receive applications for medical
15 marijuana license recipients, dispensaries, growers and ~~packagers~~
16 processors within sixty (60) days of the passage of this initiative.

17 D. The State Department of Health shall, within thirty (30)
18 days of passage of this initiative, make available on the
19 Department's website, in an easy to find location, an application
20 for a medical marijuana license. The license shall be valid for two
21 (2) years, and the application fee shall be One Hundred Dollars
22 (\$100.00), or Twenty Dollars (\$20.00) for ~~individuals~~ an individual
23 on Medicaid, Medicare or SoonerCare, an individual who is one
24 hundred percent (100%) disabled as certified by the United States

1 Department of Veterans Affairs and registered with the veterans
2 registry created by the Oklahoma Department of Veterans Affairs, an
3 individual who is receiving hospice services as defined by Section
4 1-860.2 of this title or an individual who is terminally ill as
5 attested to by the individual's primary care physician or
6 recommending physician. The methods of payment shall be provided on
7 the Department's website.

8 E. A temporary license application shall also be made available
9 on the State Department of Health website. A temporary medical
10 marijuana license shall be granted to any medical marijuana license
11 holder from ~~other states~~ another state, provided that the state has
12 a state regulated medical marijuana program, and the applicant can
13 prove ~~they are~~ he or she is a member of such program. Temporary
14 licenses shall be issued for thirty (30) days. The ~~cost~~ application
15 fee for a temporary license shall be One Hundred Dollars (\$100.00).
16 Renewal shall be granted with resubmission of a new application. No
17 additional criteria shall be required.

18 F. ~~Medical marijuana license applicants shall submit their A~~
19 medical marijuana license applicant shall submit the application to
20 the State Department of Health for approval. The applicant shall be
21 an Oklahoma state resident and shall prove residency by a valid
22 driver license, utility bills, or other accepted methods.

23 G. The State Department of Health shall review the medical
24 marijuana license application, approve or ~~reject~~ deny the

1 application, and mail the applicant's approval or ~~rejection~~ denial
2 letter, stating any reasons for ~~rejection~~ denial, to the applicant
3 within fourteen (14) business days of receipt of the application.

4 ~~Approved applicants~~ The Department shall offer an expedited
5 application review process for a medical marijuana license in which
6 the Department shall mail the approval or denial letter to the
7 applicant within five (5) business days of receipt of the
8 application. The fee for the expedited application review shall be
9 One Hundred Fifty Dollars (\$150.00) in addition to the cost of the
10 application fee provided for in subsection D of this section, or
11 Eighty Dollars (\$80.00) in addition to the discounted application
12 fee provided for in subsection D of this section. An approved
13 applicant shall be issued a medical marijuana license which shall
14 act as proof of ~~their~~ the applicant's approved status. ~~Applications~~
15 An application may only be ~~rejected~~ denied based on the applicant
16 not meeting stated criteria or improper completion of the
17 application.

18 H. The State Department of Health shall only keep the following
19 records for each approved medical license:

- 20 1. A digital photograph of the license holder;
- 21 2. The expiration date of the license;
- 22 3. The county where the card was issued; and
- 23 4. A unique twenty-four-character identification number
24 assigned to the license.

1 I. The State Department of Health shall make available, both on
2 the Department's website and through a telephone verification
3 system, an easy method to validate a medical marijuana license
4 holder's authenticity by the unique twenty-four-character
5 identifier.

6 J. The State Department of Health shall ensure that all
7 application records and information are sealed to protect the
8 privacy of medical marijuana license applicants.

9 K. A caregiver license shall be made available for qualified
10 caregivers of a medical marijuana license holder who is homebound.
11 The caregiver license shall give the caregiver the same rights as
12 the medical marijuana license holder. ~~Applicants~~ An applicant for a
13 caregiver license shall submit proof of the medical marijuana
14 license holder's license status and homebound status, proof ~~which~~
15 ~~they are~~ that the caregiver is the designee of the medical marijuana
16 license holder, proof that the caregiver is age eighteen (18) or
17 older, and proof that the caregiver is an Oklahoma resident. This
18 shall be the only criteria for a caregiver license.

19 L. All applicants shall be eighteen (18) years or older. ~~A~~
20 ~~special~~ An exception shall be granted to an applicant under the age
21 of eighteen (18), however ~~these applications~~ such application shall
22 be signed by two (2) physicians and the applicant's parent or legal
23 guardian.

1 M. All applications for a medical marijuana license shall be
2 signed by an Oklahoma physician licensed by and in good standing
3 with the State Board of Medical Licensure and Supervision or the
4 State Board of Osteopathic Examiners. There are no qualifying
5 conditions. A medical marijuana license shall be recommended
6 according to the accepted standards a reasonable and prudent
7 physician would follow when recommending or approving any
8 medication. No physician may be unduly stigmatized or harassed for
9 signing a medical marijuana license application.

10 N. Counties and cities may enact medical marijuana guidelines
11 allowing medical marijuana license holders or caregivers to exceed
12 the state limits set forth in subsection A of this section.

13 SECTION 2. This act shall become effective November 1, 2020.

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